



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 21, 1996

Norbert J. Hart
Assistant City Attorney
City of Corpus Christi
Legal Department
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR96-0221

Dear Mr. Hart:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38253.

The City of Corpus Christi (the "city") received a request for "the police department's daily dispatch logs, which may also be known as radio logs, radio cards or other name(s) to describe the police department's records of all calls answered by the police department in each 24 hour period. . . for the preceding seven (7) day weekly period." You contend that the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that section 552.101, in conjunction with the recently enacted House Bill 391,¹ excepts the requested information from required public disclosure.

In the recent legislative session, the legislature enacted House Bill 391, which places certain restrictions on the general public's access to "all *accident reports* made as

¹Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413 (Vernon).

required by [V.T.C.S. art. 6701d] or [V.T.C.S. art. 6701h].”² *Id.* (emphasis added). Specifically, House Bill 391 provides that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request *only* to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. *Id.* House Bill 391, however, specifically applies only to “accident reports” contemplated by article 6701d, V.T.C.S., or article 6701h, V.T.C.S. House Bill 391 is, therefore, inapplicable to the “the police department’s records of all calls answered by the police department in each 24 hour period.” See Open Records Decision No. 478 (1987) (as a general rule, statutory confidentiality requires express language making particular information confidential). Accordingly, you must release the requested information to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Todd Reese
Assistant Attorney General
Open Records Division

RTR/ch

Ref.: ID# 38253

Enclosures: Submitted documents

cc: Mr. Larry J. Laurent
Two Cielo Center, Suite 400
1250 South Capital of Texas Highway
Austin, Texas 78746
(w/o enclosures)

²Effective September 1, 1995, these statutes were repealed and replaced as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71 (Vernon). The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.*, § 25, 1995 Tex. Sess. Law Serv. at 1871.